

GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT



Application No. 14069, of Security Storage Company of Washington, pursuant to Sub-section 8207.2 of the Zoning Regulations, for a special exception under Paragraph 3104.44 to continue to operate a parking lot in an R-5-B District at the premises 1706-1710 V Street, N.W., (Square 150, Lot 805).

HEARING DATES: November 16, 1983 and January 18, 1984
DECISION DATE: February 1, 1984

FINDINGS OF FACT:

1. The Board, at the public hearing of November 16, 1983, continued the application to the public hearing of January 18, 1984. The representative of the applicant, who was a substitute representative, was not sufficiently knowledgeable to respond to the questions of the Board.

2. The Board admonished the applicant since it was operating the parking lot without a valid certificate of occupancy. The last certificate of occupancy expired on June 10, 1983. A new application was not filed with the BZA until September 14, 1983. The applicant had relied on notice of the expiration from the Office of the Zoning Administrator instead of keeping its own records. The Board advised the applicant that the notice from the Zoning Administrator was a courtesy extended and not a routine part of the business of the office of the Zoning Administrator.

3. The subject site is located on the south side of V Street between 17th and 18th Streets, N.W. and is known as premises 1706-1710 V Street, N.W. It is in an R-5-B District.

4. The Board, in BZA Order No. 8270 dated July 14, 1965, first permitted the site to be used as a parking lot. The relief was granted for a period of five years. In its most recent Order No. 13529, dated October 15, 1981, the Board granted the continuation for two years.

5. The site is rectangular in shape. Its width measures 42.66 feet and its depth eighty feet.

6. The lot has ten parking spaces. Eight of the spaces are each nine feet wide and eighteen feet deep. The spaces are lined up perpendicular to the east side lot line. The remaining two spaces measure nine feet by nineteen feet

and are located adjacent to and parallel to the west side lot line. The site in previous years had provided thirteen spaces. Pursuant to a condition imposed by the Board in the prior Order No. 13529, space No. 13 was eliminated.

7. Access to all ten spaces is by way of a driveway from V Street and an access aisle down the center of the lot.

8. The lot is used by the employees of the Security Storage Company housed in a building located at 1707 Florida Avenue, directly across V Street and Florida Avenue to the north of the site. There are approximately ninety persons employed by the applicant at that building.

9. All of the spaces on the lot are assigned to particular employees. Assignments are made on the basis of the company's needs. Spaces are assigned to sales staff personnel, who need to use their cars as part of their business, and thus need to be able to leave the lot during the day.

10. The lot is operated from approximately 8:00 A.M. to 5:00 P.M. The lot is surrounded by a six foot high chain link fence with a gate. The property is closed and locked at the hours when it is not used by the applicant.

11. The relatively low level of usage of the lot results in no dangerous or objectionable traffic conditions.

12. The lot is paved with an all-weather impervious surface, and otherwise meets the conditions of Article 74 of the Zoning Regulations.

13. The lot is cleaned of trash and debris on a daily basis.

14. The applicant has received no complaints on the operation or maintenance of the lot. The applicant maintains a permanent custodial staff at its office across the street from the lot. The staff polices the area and would be available to receive any complaints.

15. Residents of the neighborhood from time to time park on the public space adjacent to the entrance to the lot. The applicant advises the Police Department and the cars are ticketed.

16. The nearest Metrorail station is at Dupont Circle, more than half a mile distant. Since subway service has been instituted, bus service on adjoining streets has been reduced. A residential permit parking program of two hours is in effect on adjoining streets.

17. There are no commercial advertising signs posted on the lot. There are no buildings on the lot.

18. The D.C. Department Of Transportation, by memorandum dated December 30, 1983, reported that it had no objection to the continuation of the parking lot. The DOT reported that the lot was observed to be clean and well maintained. It further noted that the lot was in full compliance with the conditions of the Board's prior order. The Board concurs in the DOT recommendation and reasoning.

19. There was opposition to the application from the Residential Action Coalition. The Coalition was opposed to any parking lot in a residential district. The Coalition urged the Board to deny the application since its existence for nineteen years discouraged any residential development of the site. The Coalition alleged that the lot was not needed by the applicant since there appears to be many vacant spaces on the lot, there is parking on the streets and the employees should be encouraged to use public transportation. The opposition submitted no traffic or parking survey to the record. The opposition also attested that its observation on the availability of parking spaces was made at off-peak hours.

20. As to the issues raised by the opposition the Board finds that the applicant seeks its relief through a special exception and not a use variance. The applicant has no burden to establish that the site cannot be used for residential purposes. The Board also finds that empty spaces on the lot occur during the day when the applicant's staff are off-site on business purposes. The Board also finds that no persuasive evidence was introduced by way of photos or surveys to contradict the report of the DOT or the applicant.

21. Advisory Neighborhood Commission 1C made no recommendation on the application.

CONCLUSIONS OF LAW AND OPINION:

Based on the record, the Board concludes that the applicant is seeking a special exception, the granting of which requires a showing through substantial evidence that the applicant has complied with the requirements of Paragraph 3104.44 and that the relief requested under Sub-section 8207.2 can be granted as in harmony with the general purpose and intent of the Zoning Regulations and will not tend to affect adversely the use of neighboring property. The Board concludes that the applicant has met its burden of proof. No dangerous or otherwise objectionable traffic conditions shall result from the establishment of the use, the present

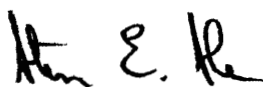
character and future development of the neighborhood will not be affected adversely, and the parking lot is reasonably necessary and convenient to other uses in the vicinity. Accordingly, it is ORDERED that the application is GRANTED SUBJECT to the following CONDITIONS:

1. Approval shall be for a period of three years from the date of expiration of the prior order, namely from June 10, 1983.
2. The number and location of parking spaces shall be in accordance with the layout shown on the plat marked as Exhibit No. 12 of the record.
3. All areas devoted to driveways, access lanes, and parking areas shall be maintained with a paving of material forming an all-weather impervious surface.
4. Bumper stops shall be erected and maintained for the protection of all adjoining buildings.
5. No vehicle or any part thereof shall be permitted to project over any lot or building line or on or over the public space.
6. All parts of the lot shall be kept free of refuse or debris and shall be paved or landscaped. Landscaping shall be maintained in a healthy growing condition and in a neat and orderly appearance.
7. No other use shall be conducted from or upon the premises and no structure other than an attendant's shelter shall be erected or used upon the premises unless such use or structure is otherwise permitted in the zoning district in which the parking lot is located.
8. Any lighting used to illuminate the parking lot or its accessory building shall be so arranged that all direct rays of such lighting are confined to the surface of the parking lot.

VOTE: 3-0 (Douglas J. Patton, Maybelle T. Bennett and Carrie L. Thornhill to grant; William F. McIntosh and Charles R. Norris not voting, not having heard the case).

BY ORDER OF THE D.C. BOARD OF ZONING ADJUSTMENT

ATTESTED BY:



STEVEN E. SHER
Executive Director

FINAL DATE OF ORDER: MAY - 4 1984

UNDER SUB-SECTION 8204.3 OF THE ZONING REGULATIONS, "NO DECISION OR ORDER OF THE BOARD SHALL TAKE EFFECT UNTIL TEN DAYS AFTER HAVING BECOME FINAL PURSUANT TO THE SUPPLEMENTAL RULES OF PRACTICE AND PROCEDURE BEFORE THE BOARD OF ZONING ADJUSTMENT."

THIS ORDER OF THE BOARD IS VALID FOR A PERIOD OF SIX MONTHS AFTER THE EFFECTIVE DATE OF THIS ORDER, UNLESS WITHIN SUCH PERIOD AN APPLICATION FOR A BUILDING PERMIT OR CERTIFICATE OF OCCUPANCY IS FILED WITH THE DEPARTMENT OF LICENSES, INVESTIGATIONS AND INSPECTIONS.

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